

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-11323MLW

CRYSTAL A. ATHERTON and ROBERT W.
ATHERTON,

Plaintiffs

v.

CITY OF BEVERLY, WILLIAM F.
SCANLON, in his official and individual
capacity, and JOHN DUNN, in his official and
individual capacity,

Defendants

STIPULATION OF DISMISSAL WITH
PREJUDICE AS TO COUNT II ONLY

Now come the parties to the above-captioned action, pursuant to Fed.R.Civ.P.
41(a)(1)(ii), and hereby stipulate and agree that Count II, in its entirety, be dismissed with
prejudice, without interest, costs, expenses or fees to any party.

All of the parties agree that this Stipulation of Dismissal has no effect upon other pending
claims.

THE PARTIES DISMISSING THE WITHIN CLAIMS WAIVE ALL RIGHTS OF
APPEAL AND NOTICE.

PLAINTIFFS,
By their attorneys,

/s/ Jordan L. Shapiro

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DEFENDANTS,
By their attorneys,

/s/ Elizabeth R. Corbo

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